

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ROBERT GEREMINO,

Plaintiff,

10 Civ. 369 (PKC)(GAY)

-against-

ORDER ADOPTING REPORT  
AND RECOMMENDATION

TOWN OF CLARKSTOWN, RAYMOND  
LASCHET,

Defendants.

-----x

P. KEVIN CASTEL, District Judge:

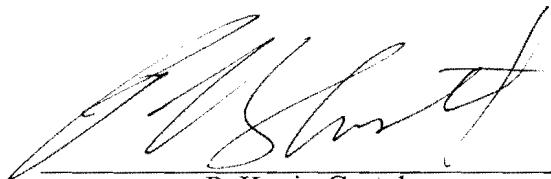
Magistrate Judge George A. Yanthis, to whom this case was referred for general pretrial supervision, issued an order dated September 29, 2010 giving plaintiff until October 29, 2010 to show cause why his complaint ought not be dismissed for failure to comply with Rule 4(m), Fed. R. Civ. P. When no response was forthcoming, Judge Yanthis issued a Report and Recommendation, dated November 23, 2010, which recommended that the action be dismissed without prejudice (the "R & R").

The R & R advised the parties that they had 14 days from service of the R & R to file any objections, and warned that failure to timely file such objections would result in waiver of any right to object. As of the date of this Order, no objections have been filed and no request for an extension of time to object has been made. The R & R expressly called plaintiff's attention to Rule 72(b), Fed. R. Civ. P., and 28 U.S.C. § 636(b)(1). Plaintiff received clear notice of the consequences of the failure to object and has waived the right to object to the R & R or obtain appellate review. See Frank v. Johnson, 968 F.2d 298, 300 (2d Cir.), cert. denied, 506 U.S. 1038 (1992). See also Caudor v. Onondaga County, 517 F.3d 601 (2d Cir. 2008).

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The R & R is adopted and the action is dismissed without prejudice. The Clerk is directed to enter judgment for the defendants.

SO ORDERED.



P. Kevin Castel  
United States District Judge

Dated: New York, New York  
December 16, 2010